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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LAM, JOSEPH M

ART UNIT

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2616

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/510,975	Applicant(s) HOFFMANN ET AL.	
	Examiner JOSEPH LAM	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08 October 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

Art Unit: 2616

3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 25 - 45 are rejected under U.S.C. 103(a) as being unpatentable over Scoggins et al. (US 2003/0227908 A1).

Regarding claims 25, 40, and 44, Scoggins discloses a method for interworking between protocols, in a digital, multimedia communication network, the network comprising:

- a first subscriber(see fig. 3, element 301: integrated node (IN) 301 is where a call originates, as a first Subscriber); a second subscriber (see fig. 3, element 302: IN 302 is where a call terminates, as a second subscriber);
- a connection between the subscribers, the connection having a payload channel (as a bearer channel) in a send and receive direction (see par. 0038, fig. 3: integrated node (IN) 301 is where a call originates. IN 302 is where a call terminates. Bearer internetworking function (BIWF) or Media Gateway (MG) entity 303 is the originating or ingress BIWF/MG, implemented on a media gateway platform. The terms BIWG and MG are interchangeable (as sending and receiving) in this application. MG 304 is the terminating or egress MG), and par. 0064, fig. 12: Packet switching fabric 1206 sends and receives packets on the packet network through packet network interface 1207)
- at least one service feature which requires a disconnection of the payload channel in the send and receive direction (see par. 0038, fig. 3: integrated node (IN) 301 is where a call originates. IN 302 is where a call terminates)

Art Unit: 2616

- a first protocol (see par. 0040, fig. 3: The communication protocol between a MGC and a MG), with which the first subscriber operates (see par. 0039, fig. 3: call services function (CSF) or Media Gateway Controller (MGC) entity 306 provides call server functions for MG 303) , designed for signaling in packet-oriented or IP-based networks (see par. 0038, fig. 3: The MG entities of FIG. 3 convert various media such as TDM voice or video to packets which are passed on bearer channels through packet network 305. Packet networks usually use asynchronous transfer mode (ATM) or Internet Protocol (IP) for transport), and only provides a local disconnection of the payload channel (as a bearer channel) in the send direction for the service feature (which require disconnection of payload channel) (see par. 0038, fig. 3: The terms BIWG and MG are interchangeable in this application. MG 304 is the terminating (as a disconnection) or egress MG. The MG entities of FIG. 3 convert various media such as TDM voice or video to packets which are passed on bearer channels through packet network 305);

- and a second protocol (see par. 0040, fig. 3: The communication protocol between a MGC and a MG), with which the second subscriber operates (see par. 0039, fig. 3: call services function (CSF) or Media Gateway Controller (MGC) entity 307 provides call server functions for MG 304), providing at least the option of a local disconnection of the payload channel (as a bearer channel) in the send direction (see par. 0038, fig. 3: MG 304 is the terminating or egress MG. The MG entities of FIG. 3 convert various media such as TDM voice or video to packets which are passed on bearer channels through packet network 305);

Art Unit: 2616

the method comprising the following steps: providing the first subscriber with the service feature (which require disconnection of payload channel) (see par. 0038, fig. 3: MG 304 is the terminating or egress MG. The MG entities of FIG. 3 convert various media such as TDM voice or video to packets which are passed on bearer channels (as a payload channel through packet network 305) .

Scoggins does not explicitly disclose the following:

- and controlling the second subscriber using the service feature first subscriber performing the service feature, so that a transmission in a direction to the first subscriber is interrupted

However, Scoggins discloses using MGC to control the second subscriber (see par. 0039, fig. 3, element MGC 307: MGC 307 provides call server functions for MG 304) using the service feature (which require disconnection of payload channel) first subscriber performing the service feature, so that a transmission in a direction to the first subscriber is interrupted (see par. 0038. fig. 3: The terms BIWG and MG are interchangeable in this application. MG 304 is the terminating (as a disconnection) or egress MG. The MG entities of FIG. 3 convert various media such as TDM voice or video to packets which are passed on bearer channels (as a payload channel) through packet network 305).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching's Scoggins MGC as a controller (see par. 0039, fig. 3, and element MGC 307), in order to manage the transmitting and receiving without interruption.

Regarding claims 26, 43, Scoggins further wherein the transmission includes a media stream (see par. 0040: media stream).

Regarding claim 27, Scoggins further discloses wherein the service feature is "Call Hold" or "Terminal Portability" (as an interruption of the payload stream) see par. 0038, fig. 3: MG 304 is the terminating or egress MG. The MG entities of FIG. 3 convert various media such as TDM voice or video to packets which are passed on bearer channels (as a payload channel through packet network 305) .

Regarding claim 28, Scoggins further discloses wherein the network further comprises a protocol converter arranged between the protocols and the payload channel includes separate channels for the send and receive directions, the method further comprising: providing a notification in the direction to the second subscriber (integrated node (IN) 302) by the first subscriber integrated node (IN) 301), while performing the service feature (which require disconnection of payload channel) see par. 0038, fig. 3: MG 304 is the terminating or egress MG. The MG entities of FIG. 3 convert various media such as TDM voice or video to packets which are passed on bearer channels (as a payload channel through packet network 305) , for interrupting the separate channel originated from the second subscriber (see par. 0038, fig. 3: MG 304 is the terminating or egress MG. The MG entities of FIG. 3 convert various media such as TDM voice or video to

Art Unit: 2616

packets which are passed on bearer channels (as a payload channel through packet network 305);

- informing the protocol converter that the notification was sent out by the first subscriber (see par. 0040, fig. 1: The communication protocol between a MGC and a MG can be of any media control protocol);

- and interrupting the separate channel originated from the second subscriber by the protocol converter (see par. 0038, fig. 3: MG 304 is the terminating or egress MG. The MG entities of FIG. 3 convert various media such as TDM voice or video to packets which are passed on bearer channels (as a payload channel) through packet network 305).

Regarding claim 29, Scoggins further discloses wherein the network further comprises a Media Gateway arranged between the protocols, and the second subscriber is a PSTN subscriber, the method further comprising:

- outputting a command in the direction to the second subscriber (see par. 0040: command) for interrupting the payload channel originated from the second subscriber (see par. 0038, fig. 3: IN 302 (as a second subscriber) is where a call terminates), while performing the service feature (which require disconnection of payload channel) by the first subscriber (see par. 0038, fig. 3 integrated node (IN) 301 is where a call originates. IN 302 is where a call terminates), wherein the command initiates the following events:

Art Unit: 2616

receiving a notification regarding the sender of the command by the Media Gateway (see par. 0041, fig. 3: command, Media Gateway);

- and interrupting the payload channel originated from the second subscriber by the Media Gateway (see par. 0038, fig. 3: MG 304 is terminating).

Regarding claim 30, Scoggins further discloses wherein the Media Gateway interrupts the payload channel originated from the second subscriber indirectly or directly (see par. 0038, fig. 3: MG 304 is the terminating or egress MG. The MG entities of FIG. 3 convert various media such as TDM voice or video to packets which are passed on bearer channels (as a payload channel) through packet network 305).

Regarding claim 31, Scoggins further discloses wherein the network further comprises a Media Gateway Controller assigned to the Media Gateway for processing the command indirectly (see par. 0039: Media Gateway Controller (MGC) entity 306 provides call server functions for MG 303)

Regarding claim 32, Scoggins further discloses wherein, if the second subscriber is an analog subscriber or an ISDN subscriber, instead of or in addition to the Media Gateway, an Integrated Access Device (IAD) and/or a Multimedia Terminal Adaptor (MTA) and/or an Interactive Voice is provided to merge all the data traffic of the subscriber and send it to a switching center (see par. 0006: ISDN).

Regarding claim 33, Scoggins further discloses wherein the communication between the first protocol (as a first call) and the second protocol (second call) is effected by a third protocol (third call), preferably a BICC CS2 protocol or an ISUP+ protocol (see par. 0007, fig. 2: ISUP).

Regarding claim 34, Scoggins further discloses wherein the third protocol is a BICC CS2 protocol or an ISUP+ protocol (see fig. 1, element signaling (ISUP), Third Call).

Regarding claim 35, Scoggins further discloses wherein the subscriber not initiating the service feature (which requires disconnection of payload channel) is informed of the execution of the service feature and/or the interruption on its terminal (see par. 0038, fig. 3: integrated node (IN) 301 is where a call originates. IN 302 is where a call terminates)

Regarding claim 36, Scoggins further discloses wherein the second protocol comprises a command set, by which the payload channel (as a bearer channel) in the receive direction can be interrupted non-locally in respect of the first subscriber (see par. 0038, fig. 3: Bearer channel through packet network 305 from first subscriber).

Regarding claim 37, Scoggins further discloses wherein, if the protocol, with which the second subscriber operates, is an H.323 protocol (see par. 0014: H.323), the

interruption is effected in the terminal of the second subscriber (see par. 0038, fig. 3: IN 302 (as a second subscriber) is where the call terminates.

Regarding claim 38, Scoggins further discloses wherein the notification is received by a protocol converter assigned to the second subscriber, said second subscriber being issued a command to interrupt the outgoing payload channel from the second subscriber (see par. 0038, fig. 3: convert various media such as TDM voice or video to packets which are passed on bearer channels (as a payload channel) through packet network 305).

Regarding claim 39, Scoggins further discloses wherein the method steps are performed by a computer program product designed for execution on at least one processor (see par. 0064: processor).

Regarding claim 41, Scoggins further discloses wherein the device is a protocol converter, a Media Gateway Controller, a Media Gateway or a terminal of the second subscriber (see fig. 3, element 302 (terminal of second subscriber), signaling (BICC, SIP), MGC, MG).

Regarding claim 42, Scoggins further discloses wherein the service features provided by the mechanisms require a disconnection of the relevant payload channel in the send and receive direction (see par. 0049, fig. 4: sending and receiving between Org. note

Art Unit: 2616

and Terminal note with a list of its property sets and par. 0064, fig. 12: Packet switching fabric 1206 sends and receives packets on the packet network through packet network interface 1207).

Regarding claim 45, Scoggins further discloses wherein the arrangement is a multimedia communications network (see par. 0017: multimedia packet network).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form 892).

6. Examiner's Note: Examiner has cited particular paragraphs, columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and, also to verify and ascertain the metes and bounds of the Claimed invention.

Art Unit: 2616

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Lam whose telephone number is 571-270-1959. The examiner can normally be reached on M-Th 7:30 AM - 5:00 PM, F 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 6, 2008

Examiner: Joseph Lam

AU: 2616

/Huy D. Vu/

Supervisory Patent Examiner, Art Unit 2616